

REMARKS

Amendments to the Claims

Applicants have amended claim 3 under 37 C.F.R. §1.312. Upon entry of this amendment claims 3-14 remain pending.

Applicants have amended claim 3 to recite additional substituents that are encompassed by the scope of the disclosure and that were inadvertently omitted in the April 23, 2009 Listing of Claims. Support for these amendments can be found in the specification. *See e.g.*, [0055]-[0093] Applicants believe these amendments are necessary for proper protection of the invention.

Applicants have also amended claim 3 to correct typographical errors in the April 23, 2009 Listing of Claims: the use of "or" in a Markush group, the misspelling of "nitroso", the pluralization of "group" and the omission of an article before "heterocyclic group".

In the December 22, 2008 Final Office Action, the Examiner indicated that recitation of the specific substitutions that are disclosed in the specification (*see e.g.*, [0055] and [0093]) would place the claims in condition for allowance. In their April 23, 2009 Amendment and Response to the December 22, 2008 Final Office Action, applicants inadvertently left out the substitutions from paragraphs [0055] and [0093] that are now incorporated in the present amendment. As the Examiner has previously indicated that inclusion of these specific recitations would place the claims in condition for allowance, applicants believe, therefore, that the present amendment requires no additional search or examination.

M.P.E.P. §714.16 indicates that amendments under 37 C.F.R. §1.312 may be entered if they are shown (A) to be needed for proper disclosure or protection of the invention,

and (B) to require no substantial amount of additional work on the part of the Office. Applicants believe the present amendment meets both of these criteria. Additionally, applicants discussed these amendments with the Examiner in telephone interviews conducted on May 27, 2009 and May 29, 2009. In the May 27, 2009 interview, the Examiner indicated that the amendments concerning "aryloxy," "lower alkenyl," and "substituted lower alkenyl," as applicants described them to him, were allowable under 37 C.F.R. §1.312. In the May 29, 2009 interview, the Examiner indicated that he would review the allowability of the remaining amendments under 37 C.F.R. §1.312 upon submission of this paper. Thus, applicants request entry of this amendment prior to the August 15, 2009 date for paying the Issue Fee.

Applicants believe that no fee is due in connection with the filing of this Amendment. However, if for any reason a fee is due, the Director is hereby authorized to charge payment of any fees required in connection with this Amendment to Deposit Account No. 06-1075, Order No. 003824-0011-101.

CONCLUSION

Applicants request entry of this amendment under 37 C.F.R. §1.312.

Respectfully submitted,

/BRIAN M. GUMMOW/

James F. Haley, Jr. (Reg. No. 27,794)

Attorney for Applicants

Brian M. Gummow (Reg. No. 63,933)

Agent for Applicants

c/o ROPES & GRAY LLP

Customer No. 1473

1211 Avenue of the Americas

New York, New York 10036

Phone: 212.596.9000

Fax: 212.596.9090